

REMARKS/ARGUMENTS

The Office Action mailed September 13, 2007 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 1 – 91 are pending. Claims 1 and 57 have been amended. Claims 33 – 56 and 88 – 91 have been canceled.

Objection to the Specification

The Examiner has objected to the title as not being descriptive. In response, the applicants have amended the title to the following. “Image Modification Based on Red-Eye Filter Analysis and Metadata Analysis”

Rejection of Claims 35 USC 102

Claims 1 – 12, 15 – 27, 30 – 32, 57 – 77, 80 – 85, and 89 – 91 are rejected under 35 USC 102(b) as being anticipated by United States Patent No. 5,748,764 to Benati et al. (Benati). Applicants respectfully submit that claim 1, as amended, is not anticipated by Benati. Amended claim 1 includes the following limitations.

“A digital apparatus comprising a red-eye filter for modifying an area within a digitized image indicative of a red-eye phenomenon based on an analysis of a subsample representation of selected regions of said digitized image wherein a degree of subsampling is based upon a complexity of calculation of the red-eye filter and on an analysis of meta-data information.”

(Amended claim 1) (Emphasis added)

Applicants respectfully submit that Benati does not disclose the limitation of basing a degree of subsampling on the red-eye filter calculation complexity. For this reason, applicants respectfully submit that claim 1 is not anticipated by Benati. Given that all of the claims include this limitation, applicants submit that claims 2 - 32, 57 - 85, and 89 - 91 are, likewise, not anticipated by Benati.

Rejection of Claims 35 USC 103

Applicants respectfully submit that none of the cited references alone or in combination with Benati, or in combination one with another remedy the defects of Benati as discussed above.

With this amendment it is respectfully submitted that the claims satisfy the statutory requirements.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayments of fees to Deposit Account No. 50-4399. **A duplicate page is enclosed.**

Respectfully submitted,

Dated: December 13, 2007

/Thomas Van Zandt/

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